IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
Income Tax Appeal No.481 of 2004
with
Income Tax Appeal No.482 of 2004

M/s.Ushdev International Ltd. .. Appellant
v/s.
The Income-tax Officer & anr. .. Respondents

Mr.Atul Jasani i/by Mr.V.S. Hadade for appellant.

Mr.Ashok Kotangale for respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 19th December 2006

P.C. :

1. Heard the learned Counsel for the parties in both the above Appeals.

2. Both the above Appeals are filed concerning the Assessment year 1997-98. In our view, these two Appeals raise the following questions of law:-

" 1) On the facts and in the circumstances of the case, whether the ITAT was right in law in holding that interest under Sections 234-B and 234-C was chargeable even in a case where the tax liability arises only on application of the provision of Section 115JA of the Income

Tax Act, 1961 ?

2) On the facts and in the circumstances of the case, whether the Income-tax Appellate Tribunal was right in law in upholding the action of charging of interest under Section 220(2) of the I.T. Act, 1961 even in a case where the liability consisted of only interest under Sections 234-B and 234-C charged on the tax liability arising consequent to application of provision of Section 115JA of the I.T. Act, 1961? "

Matter requires consideration. Hence, both the Appeals are admitted. Mr.Kotangale waives services for the respondents.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)